

11/02/01  
J1031 U.S. PTO

12-06-01

A

Practitioner's Docket No. 989\_001DIV1

PATENT

NEW APPLICATION TRANSMITTAL

Box Divisional Patent Application  
Assistant Commissioner for Patents  
Washington D.C. 20231

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to the **Box Divisional Patent Application, Assistant Commissioner for Patents, Washington D.C. 20231** under "EXPRESS MAIL" mailing label number EL 730907773 US on November 2, 2001.  
*Cheryl M. Nichols*  
Cheryl M. Nichols

J1000 U.S. PTO  
10/004463  
11/02/01

Transmitted herewith for filing is the patent application of:

Inventors: James E. Moon, Timothy J. Davis, Gregory J. Galvin, Kevin A. Shaw, Paul C. Waldrop and Sharlene A. Wilson.

For: METHOD FOR FABRICATING MEMS AND MICROFLUIDIC DEVICES USING LATENT MASKING TECHNIQUE

1. Type of Application

This is a request for filing a Divisional Application under 37 C.F.R. §1.53(b), of pending prior application:

Serial No.: 09/334,408 Prior Art Unit: 1746  
Filed: June 16, 1999 Prior Examiner: Jiri F. Smetana  
Title: IMPROVED METHODS OF FABRICATING MICROELECTRO-MECHANICAL AND MICROFLUIDIC DEVICES  
Inventors: James E. Moon, Timothy J. Davis, Gregory J. Galvin, Kevin A. Shaw, Paul C. Waldrop and Sharlene A. Wilson.

2. Papers Enclosed

A. Required for filing date under 37 CFR 1.53(b) (Regular) are:

71 Page(s) of Specification  
2 Page(s) of Claims (1-3)  
1 Page(s) of Abstract  
58 Sheets of Drawings (Figs. 1-89B)  
☒ Formal  
☐ Informal

**B. Other Papers Enclosed**

- ☒ Amendment to claims
  - ☒ Cancel in this application claims 4-23 before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
  - ☒ Claims 1-3 have been amended as shown on the attached amendment
  - ☐ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)
- ☒ A Preliminary Amendment
- ☒ A new Declaration and Power of Attorney is enclosed herewith
- ☒ Information Disclosure Statement
- ☒ Form PTO-1449
- ☒ Petition for Acceptance of Photographs Under 37 CFR §1.84(b)

3. ☒ Amend the specification by inserting after the title and before the first line the sentence:

**--Cross Reference to Related Application**

This is a divisional application of U.S. Serial No. 09/334,408, filed June 16, 1999, the entirety of which is incorporated herein by reference.--

**4. Relate Back**

**A. 35 U.S.C. 119(e)**

- ☐ Priority of provisional application Serial No. filed\_, is hereby claimed under 35 U.S.C. §119(e).

**B. 35 U.S.C. 120, 121 and 365(c)**

- ☒ Priority of said prior application Ser. No. 09/334,408 filed June 16, 1999, is hereby claimed under 35 U.S.C. §120.

**C. 35 U.S.C. 119 Priority Claim for Prior Application**

- ☐ Priority of foreign application(s) No. , filed in is hereby claimed under 35 U.S.C. §119.
  - ☐ A certified copy of the above corresponding foreign application was filed in prior application Serial No. on .
  - ☐ A certified copy of the above corresponding foreign application is filed herewith.

**5. Declaration or Oath (including Power of Attorney)**

The power of attorney in the prior application is to Christopher R. Pastel, Reg. No. 37,694:

- ☒ The power appears in the New Power of Attorney form filed herewith.  
☐ A copy of the power in the prior application is enclosed.  
☒ Address all future communications to:

Christopher R. Pastel  
WALL MARJAMA & BILINSKI, LLP  
101 South Salina Street, Suite 400  
Syracuse, NY 13202  
Telephone: (315) 425-9000

**6. Inventorship Statement**

The inventorship for all the claims in this application are:

- ☒ the same.  
☐ not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

**7. Assignment**

The prior application is assigned of record to Kionix, Inc. at Reel 010060, Frame(s) 0065.

**8. Small Entity Status**

Small entity was established in the parent application via a verified statement filed on June 16, 1999.

**9. The filing fee has been calculated as shown below:**

A.	Filing Fee	
	<input checked="" type="checkbox"/> Original Patent Application	\$ <u>370.00</u>
	<small>(37 C.F.R. 1.16(a) --\$740.00; Small Entity--\$370.00)</small>	
B.	Fees for Claims (3 Claims; 1 Indep.)	
	<input type="checkbox"/> each independent claim in excess of 3	\$ <u>.00</u>
	<small>(37 C.F.R. 1.16(b)--\$84.00; small entity--\$42.00)</small>	
	<input type="checkbox"/> each claim in excess of 20	\$ <u>.00</u>
	<small>(37 C.F.R. 1.16(c)--\$18.00; small entity--\$9.00)</small>	
	<input type="checkbox"/> multiple dependent claim(s)	\$ <u>.00</u>
	<small>(37 C.F.R. 1.16(d)--\$280.00; small entity--\$140.00)</small>	
C.	<input type="checkbox"/> Assignment Fee	\$ <u>.00</u>
<b>Total Fees Due</b>		<b>\$ 370.00</b>

**10. Payment of Fees and Authorization to Charge Additional Fees  
or Credit Overpayment**

- ☒ A check in the amount of \$370.00 is enclosed.
- ☒ A check in the amount of \$130.00 is enclosed.
- ☐ Charge Deposit Account 50-0289 in the amount of .
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289.
  - ☒ Any additional filing fees required under 37 CFR 1.16.
  - ☐ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

Wall, Marjama & Bilinski, LLP

11/2/01

Date

Chris Pastel

Christopher R. Pastel  
Reg. No. 37,694

CRP/cmn

Customer No.:



20874

PATENT TRADEMARK OFFICE

Practitioner's Docket No.: 989\_001DIV1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: James E. Moon et al.

Ser. No.: Not Assigned

Parent Appln. Information:

Filed: Concurrently Herewith

Serial No. 09/334,408

Filed: June 16, 1999

For: METHOD FOR FABRICATING MEMS AND MICROFLUIDIC DEVICES  
USING LATENT MASKING TECHNIQUE

Box Divisional Patent Application  
Assistant Commissioner for Patents  
Washington, DC 20231

"EXPRESS MAIL" mailing label number EL730907773US

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United States Postal Service "Express Mail Post Office to Addressee"  
service under 37 CFR 1.10 addressed to the Box Divisional Patent  
Application, Assistant Commissioner for Patents, Washington D.C.  
20231 on November 2, 2001.

*Cheryl M. Nichols*  
Cheryl M. Nichols

PETITION FOR ACCEPTANCE OF  
PHOTOGRAPHS UNDER 37 CFR §1.84(b) AND  
TRANSMITTAL OF FEE UNDER 37 C.F.R. §1.17(i)

Sir:

Transmitted herewith are two sheets (Figs. 6a, 6b and 14) of black and white  
photographic drawings for the above-identified application. These photographs are  
discussed in the specification, illustrate the aspects of the invention as cited in the  
specification, and are a part of this application. It is hereby requested that the PTO accept  
the attached photographs as part of the disclosure of this application. Attached is our check  
in the amount of \$130.00 in payment for the fee under Rule 17(i).

The Commissioner is hereby authorized to charge any additional fees associated  
with this communication or credit any overpayment to deposit Account No. 50-0289.

Respectfully submitted,

WALL MARJAMA & BILINSKI, LLP

Dated: 11/2/01

By: *Christopher R. Pastel*  
Christopher R. Pastel  
Reg. No. 37,694

CRP/cmn

Customer No.:



20874

PATENT TRADEMARK OFFICE

12/10/2001 EAREGAY1 00000058 10004463

02 FC:139

130.00 DP

12/11/2001 EAREGAY1 00000023 10004463

01 FC:122

130.00 DP

Adjustment date: 12/11/2001 EAREGAY1  
12/10/2001 EAREGAY1 00000058 10004463  
02 FC:139 -130.00 DP